

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

Senate Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

CHAPTER 185

SENATE BILL 1030

AN ACT

AMENDING SECTIONS 28-3473 AND 28-4149, ARIZONA REVISED STATUTES; RELATING TO
DRIVER LICENSE VIOLATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-3473, Arizona Revised Statutes, is amended to
3 read:

4 28-3473. Driving violations; classification

5 A. ~~Except as provided in subsection B or C of this section,~~ A person
6 who drives a motor vehicle on a public highway when the person's privilege to
7 drive a motor vehicle is suspended, revoked, canceled or refused or when the
8 person is disqualified from driving is guilty of a class 1 misdemeanor.

9 ~~B. A person who drives a motor vehicle on a public highway when the~~
10 ~~person's privilege to drive a motor vehicle is restricted, suspended,~~
11 ~~revoked, disqualified, canceled or refused for a violation of section~~
12 ~~28-1381, 28-1382 or 28-1383, under section 28-1385 or as a result of a~~
13 ~~conviction for an act in another jurisdiction that if committed in this state~~
14 ~~is a violation of section 28-1381, 28-1382 or 28-1383 is guilty of a class 1~~
15 ~~misdemeanor and shall be sentenced to serve at least forty-eight consecutive~~
16 ~~hours in jail. A judge shall not grant probation, pardon, commutation or~~
17 ~~suspension of sentence or release on any basis other than on the condition~~
18 ~~that the person serve at least forty-eight consecutive hours in jail.~~

19 ~~C. A person who drives a motor vehicle on a public highway when the~~
20 ~~person's privilege to do so is suspended pursuant to either section 28-1601~~
21 ~~or 28-3308 is guilty of a class 1 misdemeanor. For a first conviction under~~
22 ~~this subsection, the court shall impose a fine of at least three hundred~~
23 ~~dollars, except that on proper evidence of payment of a civil penalty imposed~~
24 ~~by the court for the original civil violation that resulted in the~~
25 ~~suspension, the court shall impose a fine of at least fifty dollars. For a~~
26 ~~second or subsequent conviction under this subsection within one year after~~
27 ~~the date of the first conviction, the court shall impose a fine of at least~~
28 ~~five hundred dollars. A judge shall not grant probation to or suspend any~~
29 ~~part or all of the imposition or execution of a sentence required by this~~
30 ~~subsection, except on the condition that the person pay not less than the~~
31 ~~stated fine. A judge shall not dismiss an action brought under this~~
32 ~~subsection only because the defendant has paid the civil penalty that~~
33 ~~resulted in the suspension.~~

34 ~~D.~~ B. Except for a suspension pursuant to section 28-1601 or 28-3308,
35 on receipt of a record of the conviction of a person under this section, the
36 department shall:-

37 1. ~~Extend the period of the suspension for an additional like period~~
38 ~~but not more than one year from the date the person would otherwise be~~
39 ~~entitled to apply for a new license if the conviction was for a charge of~~
40 ~~driving a vehicle while the driver license privilege of the person was~~
41 ~~suspended. NOTIFY A PERSON WHO IS ELIGIBLE FOR A RESTRICTED PRIVILEGE TO~~
42 ~~DRIVE PURSUANT TO THIS SECTION THAT THE PERSON IS ELIGIBLE. THE DEPARTMENT~~
43 ~~SHALL ISSUE A LICENSE THAT RESTRICTS THE PERSON'S PRIVILEGE TO DRIVE AS~~
44 ~~FOLLOWS:~~

1 1. BETWEEN THE PERSON'S PLACE OF EMPLOYMENT AND RESIDENCE DURING
2 SPECIFIED PERIODS OF TIME WHILE AT EMPLOYMENT.

3 2. BETWEEN THE PERSON'S PLACE OF RESIDENCE, THE PERSON'S PLACE OF
4 EMPLOYMENT AND THE PERSON'S SECONDARY OR POSTSECONDARY SCHOOL ACCORDING TO
5 THE PERSON'S EMPLOYMENT OR EDUCATIONAL SCHEDULE.

6 3. BETWEEN THE PERSON'S PLACE OF RESIDENCE AND A SCREENING, EDUCATION
7 OR TREATMENT FACILITY FOR SCHEDULED APPOINTMENTS.

8 4. BETWEEN THE PERSON'S PLACE OF RESIDENCE AND THE OFFICE OF THE
9 PERSON'S PROBATION OFFICER FOR SCHEDULED APPOINTMENTS.

10 5. BETWEEN THE PERSON'S PLACE OF RESIDENCE AND THE OFFICE OF A
11 PHYSICIAN OR OTHER HEALTH CARE PROFESSIONAL.

12 6. BETWEEN THE PERSON'S PLACE OF RESIDENCE AND A CERTIFIED IGNITION
13 INTERLOCK DEVICE SERVICE FACILITY.

14 C. ON APPLICATION, THE DEPARTMENT SHALL ISSUE A DRIVER LICENSE THAT
15 RESTRICTS A PERSON'S PRIVILEGE TO DRIVE PURSUANT TO SUBSECTION B OF THIS
16 SECTION AND THAT IS VALID FOR ONE YEAR ONLY IF ALL OF THE FOLLOWING APPLY:

17 1. THE PERSON HAS COMPLETED ALL REQUIREMENTS OF THE SENTENCE IMPOSED
18 BY THE COURT.

19 2. THE PERSON HAS SATISFIED ALL SUSPENSION PERIODS IMPOSED ON THE
20 PERSON'S DRIVER LICENSE AS A RESULT OF THE CONVICTION OF OR A FINDING OF
21 RESPONSIBILITY FOR A VIOLATION OF ANY PROVISION OF THIS TITLE EXCEPT THIS
22 SECTION.

23 3. THE PERSON PAYS THE APPLICABLE REINSTATEMENT FEE PRESCRIBED BY
24 SECTION 28-3002.

25 ~~2. Not issue a new license for an additional period of one year from~~
26 ~~and after the date the person otherwise would have been entitled to apply for~~
27 ~~a new license if the conviction was for a charge of driving while the driver~~
28 ~~license privilege was revoked.~~

29 ~~E. If the department receives a record of the conviction of a person~~
30 ~~on a charge of driving a commercial motor vehicle while the person was~~
31 ~~disqualified from driving a commercial motor vehicle, the department shall~~
32 ~~promptly extend the period of the disqualification for not more than one year~~
33 ~~from the date the person would otherwise have been eligible to apply for a~~
34 ~~new commercial driver license as defined in section 28-3001.~~

35 ~~F. If the department receives a record of the conviction of a person~~
36 ~~on a charge of driving a motor vehicle while the person's driver license~~
37 ~~privilege was cancelled, the department shall promptly suspend the person's~~
38 ~~driver license privilege for a period of not less than:~~

39 ~~1. Three months for the first conviction.~~

40 ~~2. Six months for a second or subsequent conviction.~~

41 Sec. 2. Section 28-4149, Arizona Revised Statutes, is amended to read:
42 28-4149. Suspension; notice of intent

43 A. If the department determines from information provided by an
44 insurer or department records that a motor vehicle liability policy has been
45 cancelled or has not been renewed as provided in section 28-4148 and pursuant

1 to a schedule prescribed by the director, the department shall send the
2 registered owner or lessee a notice of intent to suspend the license plate
3 and registration of the vehicle.

4 B. On receiving evidence of financial responsibility as prescribed in
5 this article, the department shall immediately delete the cancellation or
6 nonrenewal from the record.

7 C. If the registered owner or lessee fails to provide evidence of
8 financial responsibility as prescribed in this section within fifteen days of
9 the mailing date of the notice of intent to suspend the registration and
10 license plate of the vehicle, the department shall notify the owner or lessee
11 that the license plate and registration of the vehicle have been suspended.
12 If the owner or lessee at a later date provides evidence that liability
13 insurance coverage meeting the requirements of this article was in effect
14 before the effective date of the suspension or provides evidence of
15 compliance with section 28-4152 before the effective date of the suspension,
16 the department shall void the suspension.

17 D. If the owner's or lessee's motor vehicle registration privilege and
18 license plate are suspended, the department shall not terminate the
19 suspension, except as provided in subsection C of this section, until proof
20 of financial responsibility pursuant to article 3- 1 OR 2 of this chapter is
21 filed with the department.

22 Sec. 3. Restricted driving privilege

23 If on January 1, 2011 a person's driver license is suspended pursuant
24 to section 28-3473, Arizona Revised Statutes, the person may request that the
25 department restrict the person's privilege to drive as described in section
26 28-3473, subsection B, Arizona Revised Statutes, as amended by this act.

27 Sec. 4. Effective date

28 This act is effective from and after December 31, 2010.

APPROVED BY THE GOVERNOR APRIL 27, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2010.